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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

RICHARD C. WOJEWODZKI

v.

CONSOLIDATED FREIGHTWAYS, INC.

:
: No. 1:CV 01-285
: (Judge Rambo)✓
: Civil Action
: Jury Trial Demanded

FILED
HARRISBURG, PA

APR 22 2002

MARY E. D'ANDREA, CLERK
Per MB
Deputy Clerk

PLAINTIFF'S OBJECTIONS TO THE
MAGISTRATE'S REPORT AND RECOMMENDATION

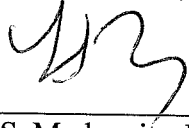
1. In the instant case, Defendant filed a Motion for Summary Judgment.
2. On April 10, 2002, Magistrate Judge Smyser filed a Report and Recommendation suggesting that summary judgment be granted.
3. As will be noted below, Plaintiff believes that there were numerous errors committed by the Magistrate.
4. Plaintiff objects to Fn. 1 on page 11 because the reasoning used by the Court taken to its logical conclusion would make it nearly impossible for a plaintiff to prove discrimination.
5. At paragraphs 13-14 of the Report and Recommendation, the Magistrate erred when he concluded Mr. Ferguson's words could not be taken as buzzwords for discrimination. In this instance, the Magistrate substituted his understanding of the words from that which a jury might take.

6. Plaintiff objects to the statements on pages 14-15 that no inferences of age discrimination could occur from the stated facts. This is unwarranted as it makes no sense to consider a person for a promotion, take no disciplinary actions, etc. and then demote them shortly thereafter.

WHEREFORE, Plaintiff prays that the Magistrate's report be promptly rejected, summary judgment be denied, and that the case go forward to trial as scheduled.

Respectfully submitted,

MARKOWITZ & KREVSKEY P.C.

By: 
Lawrence S. Markowitz, Esquire
Attorney for Plaintiff
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Supreme Ct. I.D. #41072

CERTIFICATE OF SERVICE


AND NOW, TO WIT, this 18th of April, 2002, I, Lawrence S. Markowitz, Esquire, hereby certify that I have this date served a copy of the foregoing Objections to Magistrate's Report and Recommendation by depositing a copy of same in the United States Mail, postage prepaid at York, Pennsylvania, addressed to counsel of record as follows:

Vincent Candiello, Esquire
G. Scott Paterno
Morgan, Lewis & Bockius LLP
417 Walnut Street
Harrisburg PA 17101

The Honorable Andrew Smyser
U.S. Magistrate
Federal Building
Harrisburg PA 17108

Respectfully submitted,

MARKOWITZ & KREVSKY P.C.

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